

Comment Set 27



April 10, 2006

Ms. Valerie Van Way
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

Dear Ms. Van Way:

I am writing to provide comments on the draft environmental impact report for the Chevron Richmond Long Wharf marine terminal lease consideration. Marine Spill Response Corporation (MSRC) is a non-profit oil spill clean up company that is under contract to provide oil spill clean up services to the Chevron Richmond Long Wharf marine terminal. There are a number of recommended mitigation measures in the DEIR that address oil spill response and clean up. I appreciate the opportunity to provide comments on a number of the recommended mitigation measures.

I have attached comments on a number of the recommended mitigation measures, by paragraph number, as they appear in Table ES-1, summary of environmental impacts for the proposed projects.

If you should have any questions please contact me at 925-405-0511.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen D. Ricks". The signature is written in a cursive, flowing style.

Stephen D. Ricks
Vice President – CA Region

**MSRC Comments on Recommended Mitigation Measures in Table ES – 1
Summary of Environmental Impacts of Proposed Project**

OS 4: Chevron shall confer with the California State Lands Commission (CSLC) regarding Group V oil spill response technology, including potential new response equipment and techniques that may be applicable for use at the Long Wharf, Chevron shall work with the CSLC in applying these new technologies, as agreed upon, if recommended for this facility.

We believe that Chevron's contract with MSRC provides adequate mitigation for this impact.

27-1

MSRC has equipment in its inventory that could be used to recover submerged oil. These resources include submersible pumps and vacuum systems. We are unaware of any new technologies that have proven effective in responding to spills of Group V oils. Chevron should not be required to pursue technologies or equipment beyond those supplied by MSRC.

OS-7b: Chevron shall respond any spill as if it were its own, without assuming liability, until such time as the vessel's response organization can take over management of the response actions in a coordinated manner.

We believe that Chevron's contract with MSRC provides adequate mitigation for this impact.

Both Federal and California regulations mandate that companies that transport, store, or process crude oil or petroleum products be prepared for and capable of responding to and cleaning up oil spills. Oil tanker and marine terminal operators are obligated to meet these requirements. Chevron contracts with MSRC as their Oil Spill Removal Organization (OSRO) to provide oil spill response services. Through Chevron's support of MSRC, their contribution toward funding our day to day operating budgets allows MSRC to maintain a high state of response readiness utilizing personnel and equipment that are dedicated to responding to oil spills. Chevron's support directly reflects their willingness to fund and support improving response capability.

27-2

MSRC can only be activated for an oil spill event by customers, like Chevron, that contract with MSRC or by the Coast Guard or California's Office of Spill Prevention and Response (OSPR) through our Orphan Spill Agreements. If, as this mitigation measure suggests, Chevron were to activate MSRC to respond to a spill at the Long Wharf from a tank vessel that was not an MSRC customer, then Chevron would be liable for the costs of MSRC's clean up operations. MSRC does not have a mechanism to immediately contract with a responsible party at the time of a spill. It is incumbent upon all tank vessel operators (in addition to being required by both State and Federal regulations) to contract with a viable and capable OSRO. It is not reasonable to expect Chevron, or any other terminal operator, to respond to a spill as if it were their own, from a tanker calling at their facility since they would be accepting liability for the costs associated with their OSRO's response.